

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YSAEL ESPINOSA,

Docket No. 18-CV-8855 (LGS)

Plaintiff,

-against-

ABRAHAM REFRIGERATION CORP., d/b/a
ABRAHAM REFRIGERATION, and
ABRAHAM PEREZ,

Defendants.
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DEFENDANTS' MEMORANDUM OF LAW
IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL AND FOR
ATTORNEYS' FEES

The Law Firm of Adam C. Weiss, PLLC, attorneys for Defendants, Abraham Refrigeration Corp. and Abraham Perez, moves for an order pursuant to Local Civil Rule 1.4 to withdraw as counsel for Defendants because Defendants have deliberately refused to honor their obligations under the retainer agreement by failing to pay for services rendered and have failed to communicate with counsel whatsoever.

I. COUNSEL'S MOTION TO WITHDRAW SHOULD BE GRANTED

Local Civil Rule 1.4, "Withdrawal or Displacement of Attorneys of Record," provides as follows:

"[a]n attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the court and may not withdraw from a case without leave of the court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal, displacement and the posture of the case, including its position, if any on the calendar."

It is well-settled under Local Rule 1.4 that a clients' failure to pay legal fees constitutes "satisfactory reasons for withdrawal as counsel." Team Obsolete Ltd. V. A.H.R.M.A., Ltd., 464 F.Supp.164, 165 (E.D.N.Y. 2006). As set forth in the accompanying Declaration of Adam C. Weiss, Esq., dated June 2, 2022, Defendants have failed to remit any payment for services rendered in March 2021, including responding to Plaintiff's pre-motion letter. Counsel has sent invoices for services in the amount of \$1750 for over a year without any response or payment of any kind. In addition, Counsel has been trying to get in touch with Defendants to inform them that an information subpoena was delivered to Counsel's office for Mr. Perez, but Defendants have not responded to those inquires either.

It would be fundamentally unfair to Counsel to have to continue to represent Defendants without any expectation of payment whatsoever. It is submitted that the posture of the matter, post-judgment, allows the easiest transition between counsel so that Defendants will not be prejudiced in any way.

In light of these facts, as fully set forth in the Weiss Declaration, Counsel respectfully requests the Court grant this motion to withdraw as counsel for Defendants.

CONCLUSION

For all the foregoing reasons, Defendants respectfully request that this Court grant Counsel's motion to withdraw as counsel for Defendants, and such other and further relief as deemed just and fair.

Dated: June 2, 2022
Glen Cove, New York

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